

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 4-17 and 23-31 are requested to be cancelled without prejudice. Claims 32-55 are being added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, Claims 32-55 are now pending in this application.

Rejections Under 35 U.S.C. 112

On page 2 of the Office Action dated March 17, 2008, Claim 9 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Examiner stated that there is insufficient antecedent basis for the limitation “the request to begin training” in line 1 of Claim 9.

Applicant has respectfully requested cancellation of Claim 9 without prejudice. Accordingly, the rejection of Claim 9 under 35 U.S.C. 112, second paragraph, is moot. Favorable reconsideration of the application as presented is requested.

Rejections Under 35 U.S.C. 102

On page 2 of the Office Action, Claims 8-11 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,271,765 (“King”). Claims 8-11 have been cancelled without prejudice rendering the rejection of Claims 8-11 moot. Favorable reconsideration of the application as presented is requested.

Rejections Under 35 U.S.C. 103

On page 5 of the Office Action, Claims 1, 4-7, 12-17, 23 and 25-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over King, and further in view of U.S. Patent No. 6,563,430 (“Kemink”).

On page 11 of the Office Action, Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Kemink as applied to Claim 17 above, and further in view of U.S. Patent No. 5,414,426 (“O’Donnell”).

On page 12 of the Office Action, Claim 27 was rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Kemink as applied to Claim 26 above, and further in view of U.S. Patent No. 6,326,889 (“Van Horn”).

On page 13 of the Office Action, Claims 28 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Kemink as applied to Claim 26 above, and further in view of U.S. Patent No. 6,091,343 (“Dykema”).

On page 13 of the Office Action, Claims 29-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over King.

Claims 1, 4-7, 12-17 and 23-31 have been cancelled without prejudice rendering the rejection of Claims 1, 4-7, 12-17 and 23-31 moot. Favorable reconsideration of the application as presented is requested.

New Claims

Claims 32-55 have been added. Independent Claim 32 is directed to a wireless control system in a vehicle. Claims 33-39 depend from independent Claim 32. Independent Claim 40 is directed to a method of training a wireless control device in a vehicle. Claims 41-46 depend from independent Claim 40. Independent Claim 47 is directed to a method of operating a wireless control device in a vehicle. Claims 48-52 depend from independent Claim 47.

Independent Claim 53 is directed to a wireless control system in a vehicle. Claims 54-55 depend from independent Claim 53.

Independent Claim 32 and Dependent Claims

Applicant respectfully submits that Claim 32 as presented, is patentable over King, alone or in any proper combination with Kemink. Independent Claim 32 recites, in combination with other elements (emphasis added):

wherein upon entering the training mode the control circuit is configured to determine a first location corresponding to a first remote electronic system, to detect a first wireless control signal for actuating the first remote electronic system, and to store first information regarding the first wireless control signal and the first location as a first data pair in the memory;

Applicant respectfully submits that independent Claim 32 would not have been obvious in view of King, alone or in any proper combination with Kemink under 35 U.S.C. § 103(a). King alone or in any proper combination with Kemink does not disclose, teach or suggest, in combination with other elements, a “control circuit is configured ... to detect a first wireless control signal for actuating the first remote electronic system” or “to store first information regarding the first wireless control signal” as recited in Claim 32.

King briefly describes its training process in column 3 lines 5-13, which states (emphasis added):

In order **to store the locations of the gates 44A-C**, the vehicle 40 is first positioned at or adjacent the gate 44A-C. The transmitter system 20 is then **placed in learning mode**, such as by activating user input device 34 and one of the switches 32A-C, as appropriate (FIG. 1). The location of the transmitter system 20 (and the vehicle 40) at the time the learning mode button 34 is pressed is stored in the storage 27A-C corresponding to the associated gate 44A-C and receiver 42A-C.

This portion of King describes a training mode for purposes of learning and storing the locations of gates 44A-C. This is not the same as a “control circuit is configured ... to detect a first wireless control signal for actuating the first remote electronic system” or “to store first information regarding the first wireless control signal” as recited in Claim 32. King does not disclose, teach or suggest any type of detection of a control signal as part of a training process. Kemink does not cure the deficiencies of King.

Further, Applicant respectfully submits that King alone or in any proper combination with Kemink does not disclose, teach or suggest, in combination with other elements, storing “first information regarding the first wireless control signal and the first location as a first data pair in the memory” as recited in Claim 32.

As stated above, as part of a training mode, King does not disclose, teach or suggest detecting a wireless control signal or comparing the detected wireless control signals with other previously stored signals in operating mode. Further, King does not “store first information regarding the first wireless control signal” as recited in Claim 32 where the first signal is the detected wireless signal. King stores location information, but this is not the same as storing the information regarding the detected wireless signal as a result of the training process.

To transform King and Kemink into the subject matter recited in Claim 32 would require still further modification, and such modification is taught only by the Applicant’s own disclosure.

Independent Claim 32 further recites, in combination with other elements (emphasis added):

wherein in operating mode the control circuit is configured to determine a current location of the wireless control system, to compare the determined current location with at least one location stored in memory in response to actuation of the at least one input actuation device, including the first location, and to transmit a second wireless control signal if the current location of the wireless control system is most proximate to the first location, wherein the control circuit and transmitter circuit generate the second wireless

control signal based on the stored first information regarding the first wireless control signal

Applicant respectfully submits that independent Claim 32 would not have been obvious in view of King, alone or in any proper combination with Kemink under 35 U.S.C. § 103(a). King alone or in any proper combination with Kemink does not disclose, teach or suggest, in combination with other elements, a “control circuit is configured ... to compare the determined current location with at least one location stored in memory in response to actuation of the at least one input actuation device” as recited in Claim 32.

King is directed to a passive garage door opener (Abstract). King briefly mentions that the individual input devices could be manually activated to control its respective transmitter (King at col. 2 lines 9-11, col. 3 lines 41-43), however, it does not disclose, teach or suggest “compar[ing] the determined current location with at least one location stored in memory in response to actuation of the at least one input actuation device” as recited in Claim 32.

Kemink is directed to portable device carried by a user in the user’s house and provides the user with control information based on the user’s location in the house. Kemink also describes a portable device that can be used in a vehicle to receive location information based on the location of the device (e.g., restaurant location and contact information). (col. 3, lines 19-60 and col. 10 lines 5-12 and 36-40). Kemink provides the user with a list of options (in the house) or information items (in the car) based on the user’s already determined location and then the user selects from the list.

In contrast, in Claim 32, an input actuation device is actuated and, in response to the actuation, the control circuit is configured “to compare the determined current location with at least one location stored in memory ... and to transmit...” In other words, the user does not have to select from a list of items that are presented based on the user’s location, which could be dangerous to do while operating a vehicle. Rather, the user presses a button and the appropriate signal is transmitted based on the determined location of the wireless control device.

Applicant respectfully submits that determining a current location, then providing a list of options or information based on the location from which a user can select, is not the same as a “control circuit ... configured ... compare the determined current location with at least one location stored in memory in response to actuation of the at least one input actuation device” as recited in Claim 32.

To transform King and Kemink into the subject matter recited in Claim 32 would require still further modification, and such modification is taught only by the Applicant’s own disclosure.

Thus, independent Claim 32, considered as a whole, would not have been obvious in view of King and/or Kemink. Claim 32 is patentable over King in view of Kemink.

Dependent Claims 33-39, which depend from independent Claim 32, are also patentable for at least the same reasons as Claim 32.

With respect to dependent claim 33, King and Kemink, alone or in any proper combination do not teach “wherein in training mode the control circuit detects the first wireless control signal by receiving the first wireless control signal via the receiver circuit.” King and Kemink do not receive wireless control signals during training mode.

With respect to dependent claims 34-35, King and Kemink, alone or in any proper combination do not include “a biometric input device” or “wherein the biometric device is at least one of a fingerprint scan device, an eye scan device and a voice actuated input device.”

With respect to dependent claim 36, King and Kemink, alone or in any proper combination do not teach a “control circuit configured to ... detect a third wireless control signal for actuating a second remote electronic system at the first location” or “to store a second information regarding the third wireless control signal and the first location ... as a second data pair in the memory.” King does not disclose, teach or suggest any type of detection of a control signal as part of a training process, nor does it disclose detecting a second control signal at the

same location as recited in the subject matter of Claim 36. Kemink does not cure the deficiencies of King.

Further, King stores location information, but this is not the same as storing the information regarding the detected wireless signal, nor is it the same as storing information regarding a second wireless control signal for the same location as recited in the subject matter of Claim 36.

With respect to dependent Claim 37, King and Kemink, alone or in any proper combination do not teach a “control circuit is configured to transmit the second wireless control signal and a fourth wireless control signal in response to actuation of the at least one input actuation device if the current location of the wireless control system corresponds to the first location, wherein the control circuit and transmitter circuit generate the fourth wireless control signal based on the stored first information regarding the third wireless control signal.” King and Kemink do not compare a determined a location with stored locations after actuation of an input actuation device and they do not send multiple wireless control signals based on a first location as recited in the subject matter of Claim 37.

With respect to dependent Claim 38, King and Kemink, alone or in any proper combination do not teach a “control circuit ... configured to transmit the fourth wireless control signal a predetermined time after the second wireless control signal is transmitted.” King and Kemink do not time signals where transmission of the second and fourth signals are based on the first location.

With respect to dependent claim 39, King and Kemink, alone or in any proper combination do not teach a “control signal for actuating the first remote electronic system has not been previously detected by the wireless control system.” King and Kemink do not detect wireless control signals.

Independent Claim 40

Applicant respectfully submits that Claim 40 as presented, is patentable over King, alone or in any proper combination with Kemink. Independent Claim 40 recites, in combination with other elements:

wherein upon entering the training mode the control circuit is configured to determine a first location corresponding to a first remote electronic system, to detect a first wireless control signal for actuating the first remote electronic system, and to store first information regarding the first wireless control signal and the first location as a first data pair in the memory

Applicant respectfully submits that independent Claim 40 would not have been obvious in view of King, alone or in any proper combination with Kemink under 35 U.S.C. § 103(a). King alone or in any proper combination with Kemink does not disclose, teach or suggest, in combination with other elements, “detect a first wireless control signal for actuating the first remote electronic system” or “to store first information regarding the first wireless control signal and the first location as a first data pair in the memory” as recited in Claim 40.

King briefly describes its training process in column 3 lines 5-13, which states (emphasis added):

In order **to store the locations of the gates 44A-C**, the vehicle 40 is first positioned at or adjacent the gate 44A-C. The transmitter system 20 is then **placed in learning mode**, such as by activating user input device 34 and one of the switches 32A-C, as appropriate (FIG. 1). The location of the transmitter system 20 (and the vehicle 40) at the time the learning mode button 34 is pressed is stored in the storage 27A-C corresponding to the associated gate 44A-C and receiver 42A-C.

This portion of King describes a training mode for purposes of learning and storing the locations of gates 44A-C. This is not the same as “detect a first wireless control signal for actuating the first remote electronic system” or “to store first information regarding the first wireless control signal and the first location as a first data pair in the memory” as recited in Claim 40. King does

not disclose, teach or suggest any type of detection of a control signal as part of a training process. King does not disclose, teach or suggest any type of storing of control signal information of a detected control signal as part of a training process. Kemink does not cure the deficiencies of King.

To transform King and Kemink into the subject matter recited in Claim 40 would require still further modification, and such modification is taught only by the Applicant's own disclosure.

Dependent Claims 41-46, which depend from independent Claim 40, are also patentable for at least the same reasons as Claim 40.

With respect to dependent claim 41, King and Kemink, alone or in any proper combination do not teach "while in training mode the control circuit is configured to further detect a third wireless control signal for actuating a second remote electronic system at the first location, and to store a second information regarding the third wireless control signal and the first location corresponding to the second remote electronic system as a second data pair in the memory." King does not disclose, teach or suggest any type of detection of a control signal as part of a training process, nor does it disclose detecting another control signal at the same location as recited in the subject matter of Claim 41. Kemink does not cure the deficiencies of King.

Further, King stores location information, but this is not the same as storing the information regarding the detected wireless signal, nor is it the same as storing information regarding another wireless control signal for the same location as recited in the subject matter of Claim 41.

With respect to Claim 42, King and Kemink, alone or in any proper combination do not teach "wherein the wireless control device enters a training mode before detecting the first wireless control signal."

With respect to Claim 43, King and Kemink, alone or in any proper combination do not teach “wherein entering a training mode is initiated via an operator input device coupled to the wireless control device.”

With respect to Claim 44, King and Kemink, alone or in any proper combination do not teach “wherein the wireless control device automatically enters a training mode after detecting the first wireless control signal.” King and Kemink do not disclose automatically entering a training mode when a wireless control signal is detected.

With respect to Claim 45, King and Kemink, alone or in any proper combination do not teach “control circuit is configured to prompt a user to select whether to store the first data pair prior to storing the first data pair and to store the first data pair if storing the first data pair is selected.” King and Kemink do not disclose storing a information regarding detected wireless control signal or providing a prompts to select whether to do so.

With respect to Claim 46, King and Kemink, alone or in any proper combination do not teach “control circuit is configured to receive an indication from a user as to which of a plurality of detected control signals are to be stored as data pairs with the first location.”

Independent Claim 47

Applicant respectfully submits that Claim 47 as presented, is patentable over King, alone or in any proper combination with Kemink. Independent Claim 47 recites, in combination with other elements (emphasis added):

memory coupled to the control circuit configured to store a first data pair, wherein the first data pair includes a first location corresponding to a first electronic system and first information for generating a first wireless control signal for actuating the first electronic system;

wherein in operating mode the control circuit is configured to determine a current location of the wireless control apparatus, to compare the determined current location with at least one location

stored in memory in response to actuation of the at least one input actuation device, and to cause the transmitter to transmit the first wireless control signal if the current location of the wireless control apparatus is most proximate to the first location;

Applicant respectfully submits that independent Claim 47 would not have been obvious in view of King, alone or in any proper combination with Kemink under 35 U.S.C. § 103(a). King alone or in any proper combination with Kemink does not disclose, teach or suggest, in combination with other elements, “to compare the determined current location with at least one location stored in memory in response to actuation of the at least one input actuation device” as recited in Claim 47.

King is directed to a passive garage door opener (Abstract). King briefly mentions that the individual input devices could be manually activated to control its respective transmitter (King at col. 2 lines 9-11, col. 3 lines 41-43), however, it does not disclose, teach or suggest “to compare the determined current location with at least one location stored in memory in response to actuation of the at least one input actuation device” as recited in Claim 47.

Kemink is directed to portable device carried by a user in the user’s house and provides the user with control information based on the user’s location in the house. Kemink also describes a portable device that can be used in a vehicle to receive location information based on the location of the device (e.g., restaurant location and contact information). (col. 3, lines 19-60 and col. 10 lines 5-12 and 36-40). Kemink provides the user with a list of options (in the house) or information items (in the car) based on the user’s already determined location and then the user selects from the list.

In contrast, in Claim 47, after receiving an input actuation signal from input actuation device, the apparatus compares “the determined current location with at least one location stored in memory in response to actuation of the at least one input actuation device” ... and transmits “the first wireless control signal” In other words, the user does not have to select from a list of items that are presented based on the user’s location, which could be dangerous to do while

operating a vehicle. Rather, the user presses a button and appropriate signal is transmitted based on the determined location of the wireless control device.

Applicant respectfully submits that determining a current location, then providing a list of options or information based on the location from which a user can select, is not the same as “to compare the determined current location with at least one location stored in memory in response to actuation of the at least one input actuation device” as recited in Claim 47

To transform King and Kemink into the subject matter recited in Claim 47 would require still further modification, and such modification is taught only by the Applicant’s own disclosure.

Thus, independent Claim 47, considered as a whole, would not have been obvious in view of King and/or Kemink. Claim 47 is patentable over King in view of Kemink.

Dependent Claims 48-52, which depend from independent Claim 47, are also patentable for at least the same reasons as Claim 47.

With respect to Claim 48, King and Kemink, alone or in any proper combination do not teach “wherein the control circuit is configured to provide an out of transmission range notification to a user after comparing the determined current location with stored locations if the wireless control apparatus is outside a predefined proximity of the first location”.

With respect to Claim 49, King and Kemink, alone or in any proper combination do not teach “control circuit is configured to prompt the user to select whether to transmit the first wireless control signal after providing the out of range notification” or “to transmit the first wireless control signal for controlling the first electronic system if the first location is most proximate to the current location and transmitting the first wireless control signal is selected”.

With respect to Claim 50, King and Kemink, alone or in any proper combination do not teach “wherein the input actuation device includes a biometric input device”.

With respect to Claim 51, King and Kemink, alone or in any proper combination do not teach “wherein the first location also corresponds to a second control signal for actuating a second electronic system, further comprising transmitting the second wireless control signal if the first location is most proximate to the current location”.

With respect to Claim 52, King and Kemink, alone or in any proper combination do not teach “wherein the first location also corresponds to a second control signal for actuating a second electronic system, wherein the control circuit is configured to prompt a user to select a signal for transmission from a plurality of signals, wherein the plurality of signals includes the first wireless control signal and the second wireless control signal, to receive an indication as to which signal from the plurality of signals to transmit, and to transmit the indicated signal if the first location is most proximate to the current location”.

Independent Claim 53

Applicant respectfully submits that Claim 53 as present, is patentable over King, alone or in any proper combination with Kemink. Independent Claim 53 recites, in combination with other elements (emphasis added):

detecting a first wireless control signal for actuating the first remote electronic system;

storing first information regarding the detected first wireless control signal and the first location as a first data pair in a memory coupled to a control circuit;

Applicant respectfully submits that independent Claim 53 would not have been obvious in view of King, alone or in any proper combination with Kemink under 35 U.S.C. § 103(a). King alone or in any proper combination with Kemink does not disclose, teach or suggest, in combination with other elements, “detecting a first wireless control signal for actuating the first remote electronic system” or “storing first information regarding the detected first wireless control signal and the first location as a first data pair in a memory coupled to a control circuit” as recited in Claim 53.

King briefly describes its training process in column 3 lines 5-13, which states (emphasis added):

In order **to store the locations of the gates 44A-C**, the vehicle 40 is first positioned at or adjacent the gate 44A-C. The transmitter system 20 is then **placed in learning mode**, such as by activating user input device 34 and one of the switches 32A-C, as appropriate (FIG. 1). The location of the transmitter system 20 (and the vehicle 40) at the time the learning mode button 34 is pressed is stored in the storage 27A-C corresponding to the associated gate 44A-C and receiver 42A-C.

This portion of King describes a training mode for purposes of learning and storing the locations of gates 44A-C. This is not the same as a “detecting a first wireless control signal for actuating the first remote electronic system” as recited in Claim 53. King does not disclose, teach or suggest any type of detection of a control signal as part of a training process. Kemink does not cure the deficiencies of King.

Further, Applicant respectfully submits that King alone or in any proper combination with Kemink does not disclose, teach or suggest, in combination with other elements, “storing first information regarding the detected first wireless control signal and the first location as a first data pair in a memory coupled to a control circuit” as recited in Claim 53.

As stated above, as part of a training mode, King does not disclose, teach or suggest detecting a wireless control signal or comparing the detected wireless control signals with other stored signals. Further, King does not “stor[e] first information regarding the detected first wireless control signal and the first location as a first data pair in a memory coupled to a control circuit” as recited in Claim 53 where the first signal is the detected wireless signal. King stores location information, but this is not the same as storing the received wireless signal.

To transform King and Kemink into the subject matter recited in Claim 53 would require still further modification, and such modification is taught only by the Applicant’s own disclosure.

Independent Claim 53 further recites, in combination with other elements (emphasis added):

comparing the current location with at least one location stored in memory in response to an actuation of at least one actuation input device coupled to the control circuit

Applicant respectfully submits that independent Claim 53 would not have been obvious in view of King, alone or in any proper combination with Kemink under 35 U.S.C. § 103(a). King alone or in any proper combination with Kemink does not disclose, teach or suggest, in combination with other elements, a “comparing the current location with at least one location stored in memory in response to an actuation of at least one actuation input device coupled to the control circuit” as recited in Claim 53.

King is directed to a passive garage door opener (Abstract). King briefly mentions that the individual input devices could be manually activated to control its respective transmitter (King at col. 2 lines 9-11, col. 3 lines 41-43), however, it does not disclose, teach or suggest “comparing the current location with at least one location stored in memory in response to an actuation of at least one actuation input device coupled to the control circuit” as recited in Claim 53.

Kemink is directed to portable device carried by a user in the user’s house and provides the user with control information based on the user’s location in the house. Kemink also describes a portable device that can be used in a vehicle to receive location information based on the location of the device (e.g., restaurant location and contact information). (col. 3, lines 19-60 and col. 10 lines 5-12 and 36-40). Kemink provides the user with a list of options (in the house) or information items (in the car) based on the user’s already determined location and then the user selects from the list.

In contrast, in Claim 53, an input actuation device is actuated and, in response to the actuation, the control circuit is configured for “comparing the current location with at least one

location stored in memory in response to an actuation of at least one actuation input device coupled to the control circuit”. In other words, the user does not have to select from a list of items that are presented based on the user’s location, which could be dangerous to do while operating a vehicle. Rather, the user presses a button and appropriate signal is transmitted based on the determined location of the wireless control device.

Applicant respectfully submits that determining a current location, then providing a list of options or information based on the location from which a user can select, is not the same as a “comparing the current location with at least one location stored in memory in response to an actuation of at least one actuation input device coupled to the control circuit” as recited in Claim 53.

To transform King and Kemink into the subject matter recited in Claim 53 would require still further modification, and such modification is taught only by the Applicant’s own disclosure.

Thus, independent Claim 53, considered as a whole, would not have been obvious in view of King and/or Kemink. Claim 53 is patentable over King in view of Kemink.

Dependent Claims 54-55, which depend from independent Claim 53, are also patentable for at least the same reasons as Claim 53.

With respect to Claim 54, King and Kemink, alone or in any proper combination do not teach “wherein the first wireless signal is received via the receiver from a first original transmitter of the first electronic system”.

With respect to Claim 55, King and Kemink, alone or in any proper combination do not teach “wherein while in training mode the control circuit is configured to further receive via the receiver a third wireless control signal for actuating a second remote electronic system at the first location, and to store the second information regarding the third wireless signal and the first location corresponding to the second remote electronic system as a second data pair in the memory”.

* * *

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date September 16, 2008

By / Karl F. Reichenberger /

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 319-7347
Facsimile: (414) 297-4900

Karl F. Reichenberger
Attorney for Applicant
Registration No. 60,726